

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Joshua Brickell	Team: Squad #1	CCRB Case #: 201412536	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/18/2014 12:20 PM	Location of Incident: 140 Street and Foch Boulevard	Precinct: 113	18 Mo. SOL 6/18/2016	EO SOL 6/18/2016	
Date/Time CV Reported Thu, 12/18/2014 12:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/18/2014 12:48 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Peter Bohringer	04604	915326	NARCBQN
2. DT3 Craig Rosenberg	06474	907213	NARCBQN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Peter Bohringer	Abuse: Det. Peter Bohringer stopped the car in which § 87(2)(b) was an occupant.	
B.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg stopped the car in which § 87(2)(b) was an occupant.	
C.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg frisked § 87(2)(b)	
D.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg searched § 87(2)(b)	
E.DT3 Craig Rosenberg	Abuse: Det. Craig Rosenberg searched the car in which § 87(2)(b) was an occupant.	
§ 87(4-b) § 87(2)(g)		
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Case Summary

On December 18, 2014, at approximately 12:20 p.m., 60-year-old § 87(2)(b) and his acquaintance, § 87(2)(b) were driving down 140th Street towards Foch Boulevard in Queens § 87(2)(b). § 87(2)(b) was unable to provide a last name or any contact information for § 87(2)(b). § 87(2)(b) was looking for a 1970 Chevrolet Malibu that was parked in front of one of the houses on the block. § 87(2)(b) wanted to inquire about the vehicle with the intention of potentially purchasing it. He slowed down so as to be able to see where the car was parked, and Det. Craig Rosenberg and Det. Peter Bohringer pulled in front of his vehicle, causing him to stop (**Allegations A and B**). Det. Rosenberg then removed § 87(2)(b) from the vehicle, frisked him, searched him, and then searched his vehicle before leaving the scene (**Allegations C, D and E**). § 87(2)(b) was not summonsed or arrested. An IAB spinoff was created for the \$100 that § 87(2)(b) alleged was taken from his pocket during the search.

Mediation, Civil and Criminal Histories

- § 87(2)(b) refused to mediate, as he did not want to see the officers again.
- As of April 1, 2015, § 87(2)(b) had not filed a notice of claim (encl. 12B).
- § 87(2)(b) has never been arrested (encl. 12A).

Civilian and Officer CCRB Histories

- PO Craig Rosenberg has been a member of the service for twenty one years, and there are six substantiated allegations against him, § 87(2)(g) [REDACTED]
 - In complaint 201006915, the CCRB substantiated a stop against PO Rosenberg, and recommended instructions, which was confirmed by the NYPD (encl. 1D – E).
 - In complaint 201105441, the CCRB substantiated a stop against PO Rosenberg, and recommended instructions. No disciplinary action was taken by the NYPD (encl. 1F – G).
 - In complaint 201307224, the CCRB substantiated stop, search of person, refusal to provide name and shield, and discourtesy allegations, and recommended charges. As of March 2015, no penalty had been handed down by the NYPD.
 - PO Rosenberg has had three previous incidents involving vehicle stops. Two were closed as exonerated, and one was closed as uncooperative.
 - PO Rosenberg has had two previous complaints involving frisks, both of which were closed as unsubstantiated.
 - PO Rosenberg has had seven previous search of person allegations against him. Of these, five were closed as unsubstantiated, one was closed as complainant uncooperative, and one, 201307224, was substantiated.
 - In complaint 201307224, Det. Rosenberg denied that he was at the incident location, despite the fact that police documentation confirmed that he was the subject officer. The investigation substantiated stop, search of person and discourtesy allegations against him based on the fact that he did not admit to being on scene, when it was proven otherwise (encl. 1H – J).
 - In complaints 200708547 and 200704962, Det. Rosenberg was alleged to have searched an individual, however, he testified that he did not recall doing so, or being on scene in either complaint, despite being identified as being on scene. Both complaints were closed as unsubstantiated.
 - PO Rosenberg has had one previous vehicle search allegation against him, which was closed as unsubstantiated.

- Det. Peter Bohringer has been a member of the service for nineteen years, and there are no substantiated CCRB allegations against him (encl. 2). § 87(2)(g)
- § 87(2)(b) had been involved in six previous CCRB complaints (encl. 3A)
 - § 87(2)(b)

Finding and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) provided the exact license plate number, § 87(2)(e), § 87(2)(b) of the unmarked vehicle that stopped him. The license plate number was traced by FLEET Services to Queens Narcotics (encl. 15F), and the vehicle number was identified by the ICO of Queens Narcotics, Lt. Larry Burnham, as § 87(2)(b) which was the last four digits of the license plate number (see IA 44, encl. 13E). According to the movement sheet, vehicle § 87(2)(b) was assigned to Det. Rosenberg and Det. Bohringer (encl. 10A), which was corroborated by Det. Bohringer's memo book (encl. 6A – B) (Det. Rosenberg had the incorrect number in his memo book.). § 87(2)(b) described both officers as white males, and both detectives were in fact white males. § 87(2)(b) said that the officer that frisked him, searched him and searched his vehicle was the taller and older of the two officers. Det. Rosenberg was both taller and older than PO Bohringer. § 87(2)(g)

Allegation A – Abuse of Authority: Det. Peter Bohringer stopped the car in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: Det. Craig Rosenberg stopped the car in which § 87(2)(b) was an occupant.

Allegation C – Abuse of Authority: Det. Craig Rosenberg frisked § 87(2)(b)

Allegation D – Abuse of Authority: Det. Craig Rosenberg searched § 87(2)(b)

Allegation E – Abuse of Authority: Det. Craig Rosenberg searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was driving slowly along 140th Street looking for a car that he wanted to potentially purchase. The car was parked in the driveway of one of the houses, and § 87(2)(b) was driving slowly so that he could see the vehicle, identify the house it was parked at, and then inquire with a friend who lived on the block about the owner of the vehicle. § 87(2)(b) spotted the car, parked in a legal spot, and started to get out when Det. Bohringer and Det. Rosenberg allegedly pulled in front of his vehicle, exited their van, and told him to remove

the keys from the ignition. Det. Rosenberg then removed § 87(2)(b) from the vehicle, frisked and searched him, and then searched his vehicle.

Det. Rosenberg denied that he and Det. Bohringer stopped anyone, including § 87(2)(b) at the incident location at the approximate time of the incident. Det. Bohringer did not recall stopping anyone, including § 87(2)(b) at the incident location at the approximate time of the incident. Det. Rosenberg further denied frisking and searching § 87(2)(b) or searching his vehicle. Det. Bohringer had no recollection of the incident, however, both he and Det. Rosenberg confirmed that they were “conducting narcotics enforcement” in the vicinity of the 113th Precinct for some period of time after 11:30 a.m. Neither officer recalled specifically what they were doing, and their memo books did not note specifically what they were doing.

In order to stop a person’s vehicle, an officer must have reasonable suspicion that the driver or occupant have committed, are committing, or are about to commit a crime. A frisk is permitted when an officer reasonably suspects that he is in danger of physical injury by virtue of someone being armed. In order to search someone, an officer must have probable cause to believe that the person committed a crime. Similarly, in order to search a vehicle, an officer must have probable cause to believe that the driver or occupant of the vehicle have committed a crime. People v. De Bour, 40 N.Y. 2d 210 (1976) (encl. 0A – K).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b) § 87(2)(g)

Pod: _____

Investigator:	_____	_____	_____
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date